

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MYRTIS PAULO HART,

Plaintiff,

v.

Civ. No. 20-1046 KG-GBW

CENTRAL NEW MEXICO
CORRECTIONAL FACILITY, *et al*

Defendants.

ORDER DENYING RECONSIDERATION

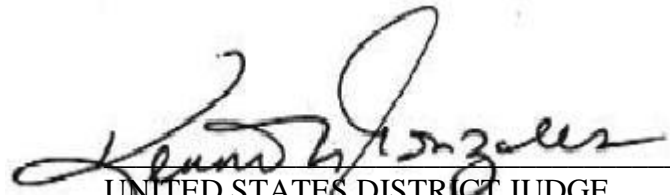
This matter is before the Court on Plaintiff's Motion to Proceed *In Forma Pauperis*, filed December 16, 2020. (Doc. 5) (Motion). Plaintiff filed the Motion five days after the Court dismissed his 42 U.S.C. § 1983 Complaint for failing to timely address the filing fee. (Doc. 3). The Court construes the Motion as a request for reconsideration under Fed. R. Civ. P. 59(e). Grounds for reconsideration include: (1) an intervening change in the controlling law; (2) newly discovered evidence; and (3) the need to correct clear error or prevent manifest injustice. *See Hayes Family Tr. v. State Farm Fire & Cas. Co.*, 845 F.3d 997, 1004 (10th Cir. 2017) (quotations omitted). None of these circumstances apply here. Plaintiff filed the Motion without explaining his earlier failure to comply with Court orders, possibly because he had not yet received the dismissal ruling. Because the dismissal was without prejudice to refiling, the Court will deny the Motion. Plaintiff may reassert his claims in a new Section 1983 action.

IT IS ORDERED:

1. To the extent Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. 5) seeks relief from the Order of Dismissal, the Motion is denied.

2. The Clerk's Office shall mail Plaintiff a form 42 U.S.C. § 1983 complaint and

another form motion to proceed *in forma pauperis*.



UNITED STATES DISTRICT JUDGE